

27 removing a provision which requires a court to impose
 28 adult sanctions under certain circumstances; requiring
 29 the court to explain the basis for imposing adult
 30 sanctions; revising when juvenile sanctions may be
 31 imposed; amending ss. 985.04 and 985.556, F.S.,
 32 conforming provisions to changes made by the act;
 33 reenacting ss. 985.15(1), 985.265(5), and 985.556(3),
 34 F.S., relating to filing decisions, detention transfer
 35 and release, education, and adult jails, and waiver of
 36 juvenile court jurisdiction and hearings,
 37 respectively, to incorporate the amendment made to s.
 38 985.557, F.S., in references thereto; reenacting ss.
 39 985.514(3), 985.556(5)(a), and 985.56(3), F.S.,
 40 relating to responsibility for cost of care and fees,
 41 waiver of juvenile court jurisdiction and hearings,
 42 and indictment of a child, respectively, to
 43 incorporate the amendment made to s. 985.565, F.S., in
 44 references thereto; providing an effective date.

45

46 Be It Enacted by the Legislature of the State of Florida:

47

48 Section 1. Section 985.557, Florida Statutes, is amended
 49 to read:

50 (Substantial rewording of section. See
 51 s. 985.557, F.S., for present text.)
 52 985.557 Direct filing of an information.-

53 (1) DIRECT FILE.—
 54 (a) With respect to a child who was 16 years of age or
 55 older or less than 18 years of age at the time the alleged
 56 offense was committed, the state attorney may file an
 57 information if, in the state attorney's judgment and discretion,
 58 the public interest requires that adult sanctions be considered
 59 and the offense charged is for the commission of or attempt to
 60 commit:
 61 1. Murder;
 62 2. Manslaughter;
 63 3. Sexual battery;
 64 4. Robbery;
 65 5. Aggravated assault;
 66 6. Aggravated child abuse;
 67 7. Arson;
 68 8. Kidnapping;
 69 9. Unlawful throwing, placing, or discharging of a
 70 destructive device or bomb;
 71 10. Aggravated battery;
 72 11. Carrying, displaying, using, or threatening or
 73 attempting to use a weapon or firearm in furtherance of the
 74 commission of a felony;
 75 12. Possessing or discharging any weapon or firearm on
 76 school property in violation of s. 790.115;
 77 13. Home invasion robbery;
 78 14. Aggravated stalking;

- 79 15. Carjacking;
- 80 16. Aggravated animal cruelty by intentional acts;
- 81 17. DUI or BUI resulting in fatality, great bodily harm,
- 82 permanent disability, or permanent disfigurement to a person;
- 83 18. Felony DUI or BUI in violation of s. 316.193(2)(b)1.
- 84 or 3. or s. 327.35(2)(b)1. or 3., respectively;
- 85 19. Leaving the scene of an accident resulting in
- 86 fatality, great bodily harm, permanent disability, or permanent
- 87 disfigurement to a person;
- 88 20. Any lewd or lascivious offense committed upon or in
- 89 the presence of a person less than 16 years of age; or
- 90 21. Burglary in violation of s. 810.02(2)(a), burglary of
- 91 a dwelling in violation of s. 810.02(2) or (3), or burglary in
- 92 violation of s. 810.02(3)(c) or (d).
- 93 (b) With respect to a child who was 14 years of age or
- 94 older and less than 16 years of age at the time the alleged
- 95 offense was committed, the state attorney may file an
- 96 information if, in the state attorney's judgment and discretion,
- 97 the public interest requires that adult sanctions be considered
- 98 and the offense charged is for the commission of or attempt to
- 99 commit:
- 100 1. Murder;
- 101 2. Manslaughter;
- 102 3. Sexual battery;
- 103 4. Robbery;
- 104 5. Aggravated battery;

105 6. Carjacking;
 106 7. Home invasion robbery;
 107 8. Kidnapping;
 108 9. Burglary of a dwelling or burglary in violation of s.
 109 810.02(2)(a);

110 10. Arson; or
 111 11. Possessing or discharging any weapon or firearm on
 112 school property in violation of s. 790.115.

113 (c) With respect to a child who was 15 years of age or
 114 older and less than 18 years of age at the time the alleged
 115 offense was committed, the state attorney may file an
 116 information for a felony if, in the state attorney's judgment
 117 and discretion, the public interest requires that adult
 118 sanctions be considered and the child has had a prior
 119 adjudication for an offense that would be a felony if committed
 120 by an adult.

121 (d) With respect to a child who is 17 years of age or
 122 older and less than 18 years of age at the time the alleged
 123 offense was committed, the state attorney may file an
 124 information for a violation of s. 784.03(1)(b) if, in the state
 125 attorney's judgment and discretion, the public interest requires
 126 that adult sanctions be considered, the child has had a prior
 127 adjudication for an offense that would be a felony if committed
 128 by an adult, and the victim requests that the offense be filed
 129 in adult court.

130 (2) EFFECT OF DIRECT FILE.—

131 (a) If a child is transferred for criminal prosecution as
 132 an adult, the court shall transfer and certify to the adult
 133 circuit court all felony cases pertaining to the child which
 134 have not yet resulted in a plea of guilty or nolo contendere or
 135 in which a finding of guilt has not been made. If the child is
 136 acquitted of all charged offenses or lesser included offenses
 137 contained in the original case transferred to adult court, any
 138 felony cases that were transferred to adult court under this
 139 subsection are subject to the same penalties they were subject
 140 to before their transfer.

141 (b) If a child has been transferred to adult court
 142 pursuant to this section and found to have committed the
 143 presenting offense or a lesser included offense, he or she shall
 144 be treated as an adult for each subsequent violation of state
 145 law, unless the court imposes juvenile sanctions under s.
 146 985.565.

147 (3) TRANSFER PROHIBITION.—Notwithstanding any other law, a
 148 child who is eligible for direct file and who has a pending
 149 competency hearing in juvenile court or has previously been
 150 found to be incompetent and has not been restored to competency
 151 by a court may not be transferred to adult court for criminal
 152 prosecution.

153 (4) DATA COLLECTION RELATING TO DIRECT FILE.—

154 (a) The department shall collect data regarding children
 155 who qualify for direct file under subsection (1), including, but
 156 not limited to:

- 157 | 1. Age.
- 158 | 2. Race and ethnicity.
- 159 | 3. Gender.
- 160 | 4. Circuit and county of residence.
- 161 | 5. Circuit and county of offense.
- 162 | 6. Prior adjudicated offenses.
- 163 | 7. Prior periods of probation.
- 164 | 8. Previous contacts with law enforcement agencies or the
- 165 | courts.
- 166 | 9. Initial charges.
- 167 | 10. Charges at disposition.
- 168 | 11. Whether adult codefendants were involved.
- 169 | 12. Whether child codefendants were involved who were
- 170 | transferred to adult court.
- 171 | 13. Whether the child was represented by counsel.
- 172 | 14. Whether the child has waived counsel.
- 173 | 15. Risk assessment instrument score.
- 174 | 16. The child's medical, mental health, substance abuse,
- 175 | or trauma history.
- 176 | 17. The child's history of abuse or neglect.
- 177 | 18. The child's history of foster care placements,
- 178 | including the number of prior placements.
- 179 | 19. Whether the child has been the subject of a children
- 180 | in need of services or families in need of services petition or
- 181 | dependency petition.
- 182 | 20. The case resolution in juvenile court.

183 21. The case resolution in adult court.

184 (b) If a child is transferred for criminal prosecution as
 185 an adult, the department shall also collect disposition data,
 186 including, but not limited to, whether the child received adult
 187 sanctions, juvenile sanctions, blended sanctions, or diversion,
 188 and, if sentenced to prison, the length of prison sentence or
 189 enhanced sentence.

190 (c) The department shall annually provide a report
 191 analyzing this aggregated data to the President of the Senate
 192 and the Speaker of the House of Representatives.

193 Section 2. Subsection (5) is added to section 985.56,
 194 Florida Statutes, to read:

195 985.56 Indictment of a juvenile.—

196 (5) Notwithstanding any other law, a child who is eligible
 197 for indictment and who has a pending a competency hearing in
 198 juvenile court or has previously been found to be incompetent
 199 and has not been restored to competency by a court may not be
 200 transferred to adult court for criminal prosecution.

201 Section 3. Subsection (1), paragraphs (a) and (c) of
 202 subsection (3), and subsection (4) of section 985.565, Florida
 203 Statutes, are amended to read:

204 985.565 Sentencing powers; procedures; alternatives for
 205 juveniles prosecuted as adults.—

206 (1) POWERS OF DISPOSITION.—

207 (a) A child who is found to have committed a violation of
 208 law may be sentenced to adult sanctions, juvenile sanctions, or

209 blended sanctions consisting of both juvenile and adult
 210 sanctions. The child's sentence may include a term of
 211 imprisonment, community control, probation, commitment ~~, as an~~
 212 ~~alternative to adult dispositions, be committed to the~~
 213 department for treatment in an appropriate program, ~~for children~~
 214 ~~outside the adult correctional system or be placed on juvenile~~
 215 probation, or any combination thereof. The sentence may also
 216 include any other sanction authorized by law. A sentence imposed
 217 under this section may not exceed the maximum term that an adult
 218 may serve for the same offense.

219 (b) In determining whether to impose juvenile sanctions,
 220 ~~instead of adult sanctions,~~ or blended sanctions, the court
 221 shall consider the following criteria:

222 1. The seriousness of the offense to the community and
 223 whether the protection of the community would be best served ~~be~~
 224 ~~protected~~ by juvenile, ~~or adult,~~ or blended sanctions.

225 2. The extent of the child's participation in the offense.

226 3. The effect, if any, of familial or peer pressure on the
 227 child's actions.

228 ~~4.2.~~ Whether the offense was committed in an aggressive,
 229 violent, premeditated, or willful manner.

230 ~~5.3.~~ Whether the offense was against persons or against
 231 property, with greater weight being given to offenses against
 232 persons, especially if personal injury resulted.

233 ~~6.4.~~ The sophistication and maturity of the child,
 234 including: ~~offender.~~

235 a. The child's age, maturity, intellectual capacity, and
 236 mental and emotional health at the time of the offense.

237 b. The child's background, including his or her family,
 238 home, and community environment.

239 c. The effect, if any, of immaturity, impetuosity, or
 240 failure to appreciate the risks and consequences on the child's
 241 participation in the offense.

242 d. The effect, if any, of characteristics attributable to
 243 the child's age on the child's judgment.

244 ~~7.5.~~ The record and previous history of the child
 245 ~~offender~~, including:

246 a. Previous contacts with the Department of Corrections,
 247 the Department of Juvenile Justice, the former Department of
 248 Health and Rehabilitative Services, or the Department of
 249 Children and Families, and the adequacy and appropriateness of
 250 the services provided to address the child's needs ~~law~~
 251 ~~enforcement agencies, and the courts.~~

252 b. Prior periods of probation.

253 c. Prior adjudications that the offender committed a
 254 delinquent act or violation of law as a child.

255 d. Prior commitments to the Department of Juvenile
 256 Justice, the former Department of Health and Rehabilitative
 257 Services, the Department of Children and Families, or other
 258 facilities or institutions, and the adequacy and appropriateness
 259 of the services provided to address the child's needs.

260 e. Previous contacts with law enforcement agencies and the

261 courts.

262 f. History of abuse, abandonment or neglect, or foster
 263 care placements.

264 g. Identification of the child as having a disability or
 265 having previously received mental health services or treatment.

266 ~~8.6.~~ The prospects for adequate protection of the public
 267 and the likelihood of deterrence and reasonable rehabilitation
 268 of the offender if assigned to services and facilities of the
 269 Department of Juvenile Justice.

270 ~~9.7.~~ Whether the Department of Juvenile Justice has
 271 appropriate programs, facilities, and services immediately
 272 available.

273 ~~10.8.~~ Whether adult sanctions would provide more
 274 appropriate punishment and deterrence to further violations of
 275 law than the imposition of juvenile sanctions.

276 11. Whether the Department of Corrections has appropriate
 277 programs, facilities, and services immediately available.

278 (c) The adult court shall enter an order under paragraph
 279 (4)(b) for its sentencing decision.

280 (3) SENTENCING HEARING.—

281 (a) At the sentencing hearing the court shall receive and
 282 consider a presentence investigation report by the Department of
 283 Corrections regarding the suitability of the offender for
 284 ~~disposition as an adult~~ sanctions, ~~or as a juvenile~~ sanctions,
 285 or blended sanctions. The presentence investigation report must
 286 include a comments section prepared by the Department of

287 Juvenile Justice, with its recommendations as to disposition.
 288 This report requirement may be waived by the offender.

289 (c) The court may receive and consider any other relevant
 290 and material evidence, including other reports, written or oral,
 291 in its effort to determine the action to be taken with regard to
 292 the child, and may rely upon such evidence to the extent of its
 293 probative value even if the evidence would not be competent in
 294 an adjudicatory hearing. Reports the court may consider include,
 295 but are not limited to, prior predisposition reports,
 296 psychosocial assessments, individualized educational programs,
 297 developmental assessments, school records, abuse or neglect
 298 reports, home studies, protective investigations, and
 299 psychological or psychiatric evaluations. The child, the child's
 300 defense counsel, and the state attorney have the right to
 301 examine the reports and to question the parties responsible for
 302 the reports at the hearing.

303 (4) SENTENCING ALTERNATIVES.—

304 (a) ~~Adult~~ sanctions.—

305 ~~1. Cases prosecuted on indictment. If the child is found~~
 306 ~~to have committed the offense punishable by death or life~~
 307 ~~imprisonment, the child shall be sentenced as an adult. If the~~
 308 ~~juvenile is not found to have committed the indictable offense~~
 309 ~~but is found to have committed a lesser included offense or any~~
 310 ~~other offense for which he or she was indicted as a part of the~~
 311 ~~criminal episode, the court may sentence as follows:~~

312 ~~— a. As an adult;~~

313 ~~b. Under chapter 958; or~~
 314 ~~c. As a juvenile under this section.~~
 315 ~~2. Other cases.~~ If a child who has been transferred for
 316 criminal prosecution pursuant to indictment, information, or
 317 waiver of juvenile court jurisdiction is found to have committed
 318 a violation of state law or a lesser included offense for which
 319 he or she was charged as a part of the criminal episode, the
 320 court may sentence as follows:
 321 1.a. As an adult;
 322 2.b. As a youthful offender under chapter 958; ~~or~~
 323 3.e. As a juvenile under this section, or
 324 4. To a blended sentence as defined in paragraph (e).
 325 ~~3. Notwithstanding any other provision to the contrary, if~~
 326 ~~the state attorney is required to file a motion to transfer and~~
 327 ~~certify the juvenile for prosecution as an adult under s.~~
 328 ~~985.556(3) and that motion is granted, or if the state attorney~~
 329 ~~is required to file an information under s. 985.557(2)(a) or~~
 330 ~~(b), the court must impose adult sanctions.~~
 331 (b)4. Findings.-The court must ~~Any sentence imposing adult~~
 332 ~~sanctions is presumed appropriate, and the court is not required~~
 333 ~~to set forth specific findings or enumerate the criteria in~~
 334 paragraph (1)(b) this subsection as the any basis for its
 335 decision to impose adult sanctions.
 336 (c)5. Restitution.-If ~~When~~ a child has been transferred
 337 for criminal prosecution as an adult and ~~has been~~ found to have
 338 committed a violation of state law, the disposition of the case

339 may include the enforcement of ~~any~~ restitution ordered in any
 340 juvenile proceeding.

341 (d) ~~(b)~~ Juvenile sanctions.—If juvenile sanctions are ~~For~~
 342 ~~juveniles transferred to adult court but who do not qualify for~~
 343 ~~such transfer under s. 985.556(3) or s. 985.557(2) (a) or (b),~~
 344 ~~the court may impose juvenile sanctions under this paragraph. If~~
 345 ~~juvenile sentences are imposed, the court shall, under this~~
 346 ~~paragraph,~~ adjudge the child to have committed a delinquent act.
 347 An adjudication of delinquency may ~~shall~~ not be deemed a
 348 conviction and may not, ~~nor shall it~~ operate to impose any of
 349 the civil disabilities ordinarily resulting from a conviction.
 350 ~~The court shall impose an adult sanction or a juvenile sanction~~
 351 ~~and may not sentence the child to a combination of adult and~~
 352 ~~juvenile punishments. An adult sanction or~~ A juvenile sanction
 353 may include enforcement of an order of restitution or probation
 354 previously ordered in any juvenile proceeding. However, if the
 355 court imposes a juvenile sanction and the department determines
 356 that the sanction is unsuitable for the child, the department
 357 shall return custody of the child to the sentencing court for
 358 further proceedings, including the imposition of adult
 359 sanctions. Upon adjudicating a child delinquent under this
 360 paragraph ~~subsection (1),~~ the court may:

- 361 1. Place the child in a probation program under the
- 362 supervision of the department for an indeterminate period of
- 363 time until the child reaches the age of 19 years or sooner if
- 364 discharged by order of the court.

365 2. Commit the child to the department for treatment in an
366 appropriate program for children for an indeterminate period of
367 time until the child is 21 or sooner if discharged by the
368 department. The department shall notify the court of its intent
369 to discharge no later than 14 days prior to discharge. Failure
370 of the court to timely respond to the department's notice shall
371 be considered approval for discharge.

372 3. Order disposition under ss. 985.435, 985.437, 985.439,
373 985.441, 985.45, and 985.455 as an alternative to youthful
374 offender or adult sentencing if the court determines not to
375 impose youthful offender or adult sanctions.

376 (e) Blended sanctions.-If blended sanctions are imposed,
377 the court shall withhold adjudication of guilt as an adult and
378 adjudge the child to have committed a delinquent act. An
379 adjudication of delinquency may not be deemed a conviction and
380 may not operate to impose any of the civil disabilities
381 ordinarily resulting from a conviction.

382 1. The court shall place the child on adult probation,
383 youthful offender probation under ch. 958, or community control
384 through the Department of Corrections with a special condition
385 to successfully complete an appropriate restrictiveness level
386 residential commitment program with the department. The sentence
387 may also include any other adult sanction authorized by law. A
388 blended sanction may include enforcement of an order of
389 restitution or probation previously ordered in any juvenile
390 proceeding.

391 2. Notwithstanding any law to the contrary, the court in
 392 determining the appropriate restrictiveness level for a child
 393 shall consider the recommendations of the department, state
 394 attorney, and child's attorney as to the appropriate
 395 restrictiveness level, but is not bound by any such
 396 recommendation. The court may order the child's incarceration in
 397 the juvenile detention center or county jail pending placement
 398 in the residential commitment program.

399 3. The department shall notify the court and the
 400 Department of Corrections of its intent to discharge the child
 401 from the residential commitment program no later than 14 days
 402 prior to discharge. Failure of the court to timely respond to
 403 the department's notice shall be considered approval for
 404 discharge.

405 (f) (e) Resentencing ~~Adult sanctions~~ upon failure of
 406 juvenile sanctions.—If a child proves not to be suitable to a
 407 commitment program, juvenile probation program, or treatment
 408 program under paragraph (d) (b), the department shall provide the
 409 sentencing court with a written report outlining the basis for
 410 its objections to the juvenile sanction and shall simultaneously
 411 provide a copy of the report to the state attorney and the
 412 defense counsel. The department shall schedule a hearing within
 413 30 days. Upon hearing, the court may revoke the previous
 414 adjudication of delinquency, impose an adjudication of guilt,
 415 and impose any sentence that ~~which~~ it may lawfully impose,
 416 giving credit for all time spent by the child in the department.

417 The court may also classify the child as a youthful offender
 418 under s. 958.04, if appropriate. For purposes of this paragraph,
 419 a child may be found not suitable to a commitment program,
 420 community control program, or treatment program under paragraph
 421 (d)~~(b)~~ if the child commits a new violation of law while under
 422 juvenile sanctions, if the child commits any other violation of
 423 the conditions of juvenile sanctions, if the child has been
 424 found to be noncompliant with the commitment program, or if the
 425 child's actions are otherwise determined by the court to
 426 demonstrate a failure of juvenile sanctions.

427 (g)~~(d)~~ Further proceedings heard in adult court.—~~If when~~ a
 428 child is sentenced to juvenile sanctions, or blended sanctions,
 429 further proceedings involving those sanctions shall continue to
 430 be heard in the adult court.

431 (h)~~(e)~~ School attendance.—If the child is attending or is
 432 eligible to attend public school and the court finds that the
 433 victim or a sibling of the victim in the case is attending or
 434 may attend the same school as the child, the court placement
 435 order shall include a finding pursuant to the proceeding
 436 described in s. 985.455(2), regardless of whether adjudication
 437 is withheld.

438
 439 It is the intent of the Legislature that the criteria and
 440 guidelines in this subsection are mandatory and that a
 441 determination of disposition under this subsection is subject to
 442 the right of the child to appellate review under s. 985.534.

443 Section 4. Subsection (2) of section 985.04, Florida
 444 Statutes, is amended to read:

445 985.04 Oaths; records; confidential information.—

446 (2) Notwithstanding any other provisions of this chapter,
 447 the name, photograph, address, and crime or arrest report of a
 448 child:

449 (a) Taken into custody if the child has been taken into
 450 custody by a law enforcement officer for a violation of law
 451 which, if committed by an adult, would be a felony;

452 (b) Found by a court to have committed three or more
 453 violations of law which, if committed by an adult, would be
 454 misdemeanors;

455 (c) Transferred to the adult system under s. 985.557,
 456 indicted under s. 985.56, or waived under s. 985.556; or

457 ~~(d) Taken into custody by a law enforcement officer for a~~
 458 ~~violation of law subject to s. 985.557(2)(b) or (d); or~~

459 (d)(e) Transferred to the adult system but sentenced to
 460 the juvenile system under s. 985.565

461
 462 shall not be considered confidential and exempt from s.
 463 119.07(1) solely because of the child's age.

464 Section 5. Subsection (1) of section 985.556, Florida
 465 Statutes, is amended to read:

466 985.556 Waiver of juvenile court jurisdiction; hearing.—

467 (1) VOLUNTARY WAIVER.—The court shall transfer and certify
 468 a child's criminal case for trial as an adult if the child is

469 | alleged to have committed a violation of law and, before ~~prior~~
 470 | ~~to~~ the commencement of an adjudicatory hearing, the child,
 471 | joined by a parent or, in the absence of a parent, by the
 472 | guardian or guardian ad litem, demands in writing to be tried as
 473 | an adult. Once a child has been transferred for criminal
 474 | prosecution pursuant to a voluntary waiver hearing and has been
 475 | found to have committed the presenting offense or a lesser
 476 | included offense, the child shall be handled thereafter in every
 477 | respect as an adult for any subsequent violation of state law,
 478 | unless the court imposes juvenile sanctions under s.
 479 | 985.565(4)(d) ~~985.565(4)(b)~~.

480 | Section 6. For the purpose of incorporating the amendment
 481 | made by this act to section 985.557, Florida Statutes, in a
 482 | reference thereto, paragraph (e) of subsection (1) of section
 483 | 985.15, Florida Statutes, is reenacted to read:

484 | 985.15 Filing decisions.—

485 | (1) The state attorney may in all cases take action
 486 | independent of the action or lack of action of the juvenile
 487 | probation officer and shall determine the action that is in the
 488 | best interest of the public and the child. If the child meets
 489 | the criteria requiring prosecution as an adult under s. 985.556,
 490 | the state attorney shall request the court to transfer and
 491 | certify the child for prosecution as an adult or shall provide
 492 | written reasons to the court for not making such a request. In
 493 | all other cases, the state attorney may:

494 | (e) File an information under s. 985.557;

495 Section 7. For the purpose of incorporating the amendment
 496 made by this act to section 985.557, Florida Statutes, in a
 497 reference thereto, subsection (5) of section 985.265, Florida
 498 Statutes, is reenacted to read:

499 985.265 Detention transfer and release; education; adult
 500 jails.—

501 (5) The court shall order the delivery of a child to a
 502 jail or other facility intended or used for the detention of
 503 adults:

504 (a) When the child has been transferred or indicted for
 505 criminal prosecution as an adult under part X, except that the
 506 court may not order or allow a child alleged to have committed a
 507 misdemeanor who is being transferred for criminal prosecution
 508 pursuant to either s. 985.556 or s. 985.557 to be detained or
 509 held in a jail or other facility intended or used for the
 510 detention of adults; however, such child may be held temporarily
 511 in a detention facility; or

512 (b) When a child taken into custody in this state is
 513 wanted by another jurisdiction for prosecution as an adult.

514
 515 The child shall be housed separately from adult inmates to
 516 prohibit a child from having regular contact with incarcerated
 517 adults, including trustees. "Regular contact" means sight and
 518 sound contact. Separation of children from adults shall permit
 519 no more than haphazard or accidental contact. The receiving jail
 520 or other facility shall contain a separate section for children

521 and shall have an adequate staff to supervise and monitor the
 522 child's activities at all times. Supervision and monitoring of
 523 children includes physical observation and documented checks by
 524 jail or receiving facility supervisory personnel at intervals
 525 not to exceed 10 minutes. This subsection does not prohibit
 526 placing two or more children in the same cell. Under no
 527 circumstances shall a child be placed in the same cell with an
 528 adult.

529 Section 8. For the purpose of incorporating the amendment
 530 made by this act to section 985.565, Florida Statutes, in a
 531 reference thereto, subsection (3) of section 985.514, Florida
 532 Statutes, is reenacted to read:

533 985.514 Responsibility for cost of care; fees.—

534 (3) When the court under s. 985.565 orders any child
 535 prosecuted as an adult to be supervised by or committed to the
 536 department for treatment in any of the department's programs for
 537 children, the court shall order the child's parents to pay fees
 538 as provided in s. 985.039.

539 Section 9. For the purpose of incorporating the amendment
 540 made by this act to sections 985.557 and 985.565, Florida
 541 Statutes, in references thereto, subsection (3) and paragraph
 542 (a) of subsection (5) of section 985.556, Florida Statutes, is
 543 reenacted to read:

544 985.556 Waiver of juvenile court jurisdiction; hearing.—

545 (3) INVOLUNTARY MANDATORY WAIVER.—

546 (a) If the child was 14 years of age or older, and if the

547 child has been previously adjudicated delinquent for an act
 548 classified as a felony, which adjudication was for the
 549 commission of, attempt to commit, or conspiracy to commit
 550 murder, sexual battery, armed or strong-armed robbery,
 551 carjacking, home-invasion robbery, aggravated battery,
 552 aggravated assault, or burglary with an assault or battery, and
 553 the child is currently charged with a second or subsequent
 554 violent crime against a person; or

555 (b) If the child was 14 years of age or older at the time
 556 of commission of a fourth or subsequent alleged felony offense
 557 and the child was previously adjudicated delinquent or had
 558 adjudication withheld for or was found to have committed, or to
 559 have attempted or conspired to commit, three offenses that are
 560 felony offenses if committed by an adult, and one or more of
 561 such felony offenses involved the use or possession of a firearm
 562 or violence against a person;

563
 564 the state attorney shall request the court to transfer and
 565 certify the child for prosecution as an adult or shall provide
 566 written reasons to the court for not making such request, or
 567 proceed under s. 985.557(1). Upon the state attorney's request,
 568 the court shall either enter an order transferring the case and
 569 certifying the case for trial as if the child were an adult or
 570 provide written reasons for not issuing such an order.

571 (5) EFFECT OF ORDER WAIVING JURISDICTION.—

572 (a) Once a child has been transferred for criminal

573 prosecution pursuant to an involuntary waiver hearing and has
574 been found to have committed the presenting offense or a lesser
575 included offense, the child shall thereafter be handled in every
576 respect as an adult for any subsequent violation of state law,
577 unless the court imposes juvenile sanctions under s. 985.565.

578 Section 10. For the purpose of incorporating the amendment
579 made by this act to section 985.565, Florida Statutes, in a
580 reference thereto, subsection (3) of section 985.56, Florida
581 Statutes, is reenacted to read:

582 985.56 Indictment of a juvenile.—

583 (3) If the child is found to have committed the offense
584 punishable by death or by life imprisonment, the child shall be
585 sentenced as an adult. If the juvenile is not found to have
586 committed the indictable offense but is found to have committed
587 a lesser included offense or any other offense for which he or
588 she was indicted as a part of the criminal episode, the court
589 may sentence under s. 985.565.

590 Section 11. This act shall take effect July 1, 2016.